

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

MARTAZE D. HAMMOND

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:05cv203DCB-JCS

COUNTY OF ISSAQUENA, et al.

DEFENDANTS

ORDER

By an order [9-1] entered May 11, 2006, the plaintiff was directed to respond and explain why this civil action should not be dismissed for his failure to pay the filing fee of \$250.00 as he was directed in the order of December 22, 2005. He was also directed to pay the filing fee of \$250.00 on or before June 2, 2006. In his response [10-1], the plaintiff states that he is financially unable to pay the filing fee as directed.

The plaintiff had been denied in forma pauperis status by an order [3-1] entered on December 22, 2005, because this court found that the plaintiff had on not less than three occasions, while incarcerated, filed a civil action or appeal under 28 U.S.C. § 1915 which had been dismissed as frivolous, malicious or for failure to state a claim upon which relief may be granted. Section 1915(g) provides as an exception to this “three-strikes provision” that the plaintiff be under “imminent danger of serious physical injury” at the time he filed his complaint. See Banos v. O’Guin, 144 F.3d 883, 884 (5<sup>th</sup> Cir. 1998)

Having reviewed the complaint and the plaintiff’s response [10-1], this court finds that the plaintiff does not meet the exception to 28 U.S.C. § 1915(g). Therefore, the plaintiff is granted a 15-day extension to pay the filing fee. Accordingly, it is

ORDERED:

1. That the plaintiff ’s response [10-1] is not well-taken.

2. That the plaintiff is granted a 15-day extension of time from the entry of this order to pay the \$250.00 filing fee as directed by the previous orders of this court.
3. That the plaintiff is warned that failure to advise this court of a change of address or failure to comply with any order of this court will be deemed as a purposeful delay and contumacious act by the plaintiff and may result in the dismissal of this case.

This the 8<sup>th</sup> day of June, 2006.

S/DAVID BRAMLETTE  
UNITED STATES DISTRICT JUDGE

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